



## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2023-0159; Project Identifier MCAI-2023-00046-R; Amendment 39-22326; AD 2023-03-01]**

**RIN 2120-AA64**

### **Airworthiness Directives; Airbus Helicopters Deutschland GmbH (AHD)**

#### **Helicopters**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for Airbus Helicopters Deutschland GmbH (AHD) Model BO-105A, BO-105C, BO-105S, BO-105LS A-1, BO-105LS A-3, MBB-BK 117 A-1, MBB-BK 117 A-3, MBB-BK 117 A-4, MBB-BK 117 B-1, MBB-BK 117 B-2, MBB-BK 117 C-1, MBB-BK 117 C-2, and MBB-BK 117 D-2 helicopters. This AD was prompted by a report of a missing main rotor swashplate (swashplate) inner ring (inner ring). This AD requires inspecting for the presence of the inner ring and, depending on the results, accomplishing additional actions. This AD also prohibits installing an affected swashplate unless it is determined that the inner ring is installed, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

The FAA must receive comments on this AD by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- Federal eRulemaking Portal: Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.
- Fax: (202) 493-2251.
- Mail: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- Hand Delivery: Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*AD Docket:* You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-0159; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is listed above.

*Material Incorporated by Reference:*

- For EASA material that is incorporated by reference in this final rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); Internet [easa.europa.eu](https://easa.europa.eu). You may find the EASA material on the EASA website at [ad.easa.europa.eu](https://ad.easa.europa.eu).
- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-0159.

*Other Related Service Information:* For Airbus Helicopters service information that is identified in this final rule, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at <https://www.airbus.com/helicopters/services/technical-support.html>. You may also view this service information at the FAA contact information under *Material Incorporated by Reference* above.

**FOR FURTHER INFORMATION CONTACT:** Dan McCully, Program Manager, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1701 Columbia Ave., Mail Stop: ACO, College Park, GA 30337; telephone (404) 474-5548; email [william.mccully@faa.gov](mailto:william.mccully@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under ADDRESSES. Include “Docket No. FAA-2023-0159; Project Identifier MCAI-2023-00046-R” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [regulations.gov](https://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

**Confidential Business Information**

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Dan McCully, Program Manager, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1701 Columbia Ave., Mail Stop: ACO, College Park, GA

30337; telephone (404) 474-5548; email [william.mccully@faa.gov](mailto:william.mccully@faa.gov). Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

## **Background**

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD 2023-0006-E, dated January 12, 2023 (EASA AD 2023-0006-E), to correct an unsafe condition on Airbus Helicopters Deutschland GmbH (AHD) Model BO105 A, BO105 C, BO105 D, BO105 S, BO105 LS A-1, BO105 LS A-3, MBB-BK117 A-1, MBB-BK117 A-3, MBB-BK117 A-4, MBB-BK117 B-1, MBB-BK117 B-2, MBB-BK117 C-1, MBB-BK117 C-2, and MBB-BK117 D-2 helicopters.

This AD was prompted by a report of a missing inner ring on a Model MBB-BK 117 C-2 helicopter; because the other model helicopters are subject to the same unsafe condition due to design similarity of the swashplate, they are included in this AD's applicability. The FAA is issuing this AD to detect a missing inner ring, which if not addressed, could result in loss of main rotor control and subsequent loss of control of the helicopter.

You may examine EASA AD 2023-0006-E in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-0159.

## **Related Service Information Under 1 CFR Part 51**

EASA AD 2023-0006-E requires inspecting affected swashplates to determine if the inner ring is installed and, if the inner ring is not installed or if it cannot be determined if the inner ring is installed, contacting Airbus Helicopters Deutschland GmbH (AHD) to obtain approved instructions and accomplishing those instructions. EASA AD 2023-0006-E also prohibits installing an affected swashplate unless it is determined that the inner ring is installed.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

## **Other Related Service Information**

The FAA reviewed Airbus Helicopters Emergency Alert Service Bulletin (EASB) BO105-40A-110, EASB BO105LS-40A-15, EASB BO105 LS A-3-STC-0654/3058-40A-3, EASB MBB-BK117-40A-118, and EASB MBB-BK117-62-32-0001, each Revision 0 and dated January 11, 2023, and co-published as one document. This service information specifies procedures for a one-time visual check for installation of the inner ring. If the inner ring is not installed or if it is difficult to determine if the inner ring is installed, this service information specifies contacting Airbus Helicopters for further instructions before further flight.

## **FAA's Determination**

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA, its technical representative, has notified the FAA of the unsafe condition described in its emergency AD. The FAA is issuing this AD after evaluating all pertinent information and determining that the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs.

## **Requirements of this AD**

This AD requires accomplishing the actions specified in EASA AD 2023-0006-E, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD and except as discussed under "Differences Between this AD and the EASA AD."

## **Explanation of Required Compliance Information**

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2023-0006-E is incorporated by reference in this FAA final rule. This AD, therefore, requires compliance with EASA AD 2023-0006-E in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in

EASA AD 2023-0006-E does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2023-0006-E. Service information referenced in EASA AD 2023-0006-E for compliance will be available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2023-0159 after this final rule is published.

### **Differences Between this AD and the EASA AD**

This AD is considered interim action and further rulemaking may follow, whereas EASA AD 2023-0006-E is not considered interim action. EASA AD 2023-0006-E applies to Model BO105 D helicopters, whereas this AD does not because that model is not FAA type-certificated.

EASA AD 2023-0006-E requires contacting Airbus Helicopters to obtain approved instructions and accomplishing those instructions, whereas this AD requires accomplishing actions in accordance with a method approved by the FAA, EASA, or Airbus Helicopters Deutschland GmbH’s EASA Design Organization Approval. Alternatively, this AD allows replacing the swashplate and requires reporting information to Airbus Helicopters Deutschland GmbH (AHD).

### **Interim Action**

The FAA considers this AD interim action. If final action is later identified, the FAA might consider further rulemaking then.

### **Justification for Immediate Adoption and Determination of the Effective Date**

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has

found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule because the inner ring is part of the main rotor swashplate, which is critical to the control of a helicopter. A missing inner ring could result in loss of main rotor control during any phase of flight without previous indication. The FAA also has no information pertaining to how quickly the condition may propagate to failure. In light of this, the initial inspection must be accomplished before further flight. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forego notice and comment.

### **Regulatory Flexibility Act**

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without prior notice and comment, RFA analysis is not required.

### **Costs of Compliance**

The FAA estimates that this AD affects 245 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Visually inspecting the swashplate for the presence of the inner ring takes about 0.5 work-hour for an estimated cost of \$43 per helicopter and \$10,535 for the U.S. fleet.

The actions that may be needed as a result of the inspection could vary significantly from helicopter to helicopter. The FAA has no data to determine the costs to accomplish the additional actions or the number of helicopters that may require those actions. Alternatively, replacing the swashplate takes about 120 work-hours and parts cost about \$99,537 for an estimated cost of \$109,737 per helicopter. Reporting information to the manufacturer takes about 1 work-hour for an estimated cost of \$85 per helicopter.

### **Paperwork Reduction Act**

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

#### **Authority for this Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### **Regulatory Findings**

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed, I certify that this AD:



- (1) Is not a “significant regulatory action” under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### **The Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

### **PART 39 - AIRWORTHINESS DIRECTIVES**

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

### **§ 39.13 [Amended]**

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

**2023-03-01 Airbus Helicopters Deutschland GmbH (AHD):** Amendment 39-22326;  
Docket No. FAA-2023-0159; Project Identifier MCAI-2023-00046-R.

### **(a) Effective Date**

This airworthiness directive (AD) is effective [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

### **(b) Affected ADs**

None.

### **(c) Applicability**

This AD applies to Airbus Helicopters Deutschland GmbH (AHD) Model BO-105A, BO-105C, BO-105S, BO-105LS A-1, BO-105LS A-3 (including those modified by Supplemental Type Certificate SR00043RD), MBB-BK 117 A-1, MBB-BK 117 A-3, MBB-BK 117 A-4, MBB-BK 117 B-1, MBB-BK 117 B-2, MBB-BK 117 C-1, MBB-BK 117 C-2, and MBB-BK 117 D-2 helicopters, certificated in any category.

Note 1 to paragraph (c): Helicopters with an MBB-BK117 C-2e designation are Model MBB-BK117 C-2 helicopters.

### **(d) Subject**

Joint Aircraft System Component (JASC) Code: 6230, Main Rotor System.

**(e) Unsafe Condition**

This AD was prompted by a report of a missing main rotor swashplate (swashplate) inner ring (inner ring). The FAA is issuing this AD to detect a missing inner ring. The unsafe condition, if not addressed, could result in loss of main rotor control and subsequent loss of control of the helicopter.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Requirements**

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency Emergency AD 2023-0006-E, dated January 12, 2023 (EASA AD 2023-0006-E).

**(h) Exceptions to EASA AD 2023-0006-E**

(1) Where EASA AD 2023-0006-E refers to its effective date, this AD requires using the effective date of this AD.

(2) Where the service information referenced in paragraph (1) of EASA AD 2023-0006-E specifies that a pilot may check for installation of the inner ring on the swashplate, this AD requires that inspection to be accomplished by persons authorized under 14 CFR 43.3.

(3) Where the service information referenced in paragraph (1) of EASA AD 2023-0006-E and where paragraph (2) of EASA AD 2023-0006-E specify contacting AH [Airbus Helicopters] to obtain further instructions or approved instructions, this AD requires actions done in accordance with a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or EASA; or Airbus Helicopters Deutschland GmbH's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature. As an option, you may accomplish the actions identified in paragraphs (h)(3)(i) and (ii) of this AD.

(i) Before further flight, replace the affected swashplate.

(ii) At the applicable compliance time identified in paragraph (h)(3)(ii)(A) or (B) of this AD, report the inspection results and describe in detail any other findings, along with the helicopter model and serial number, swashplate part number, and the following text: “EASB BO105-40A-110, BO105LS-40A-15, BO105 LS A-3-STC-0654/3058-40A-3, MBB-BK117-40A-118, MBB-BK117-62-32-0001” by email to support.technical-bulletins.ahd@airbus.com.

(A) If the inspection in paragraph (1) of EASA AD 2023-0006-E was done on or after the effective date of this AD: Submit the report within 10 days after completing paragraph (1) of EASA AD 2023-0006-E.

(B) If the inspection in paragraph (1) of EASA AD 2023-0006-E was done before the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

(4) This AD does not adopt the Remarks paragraph of EASA AD 2023-0006-E.

**(i) Special Flight Permit**

Special flight permits are prohibited.

**(j) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

**(k) Related Information**

For more information about this AD, contact Dan McCully, Program Manager, COS Program Management Section, Operational Safety Branch, Compliance &

Airworthiness Division, FAA, 1701 Columbia Ave., Mail Stop: ACO, College Park, GA 30337; telephone (404) 474-5548; email [william.mccully@faa.gov](mailto:william.mccully@faa.gov).

**(I) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) Emergency AD 2023-0006-E, dated January 12, 2023.

(ii) [Reserved]

(3) For EASA AD 2023-0006-E, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); Internet [easa.europa.eu](http://easa.europa.eu). You may find the EASA material on the EASA website at [ad.easa.europa.eu](http://ad.easa.europa.eu).

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

Issued on January 31, 2023.

Christina Underwood, Acting Director,  
Compliance & Airworthiness Division,  
Aircraft Certification Service.

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